## **HOUSE BILL No. 1279**

### DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-3-7.5.

**Synopsis:** Amending personal property tax returns. Extends the filing period for an amended personal property tax return from six months to 12 months.

Effective: Upon passage.

# Smith M, Cheatham

January 13, 2009, read first time and referred to Committee on Ways and Means.



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#### First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

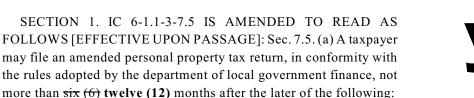
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## **HOUSE BILL No. 1279**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:



- (1) The filing date for the original personal property tax return, if the taxpayer is not granted an extension in which to file under section 7 of this chapter.
- (2) The extension date for the original personal property tax return, if the taxpayer is granted an extension under section 7 of this chapter.
- (b) A tax adjustment related to an amended personal property tax return shall be made in conformity with rules adopted under IC 4-22-2 by the department of local government finance.
- (c) If a taxpayer wishes to correct an error made by the taxpayer on the taxpayer's original personal property tax return, the taxpayer must file an amended personal property tax return under this section within



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1	the time required by subsection (a). A taxpayer may claim on an
2	amended personal property tax return any adjustment or exemption that
3	would have been allowable under any statute or rule adopted by the
4	department of local government finance if the adjustment or exemption
5	had been claimed on the original personal property tax return.
6	(d) Notwithstanding any other provision, if:
7	(1) a taxpayer files an amended personal property tax return under
8	this section in order to correct an error made by the taxpayer on
9	the taxpayer's original personal property tax return; and
10	(2) the taxpayer is entitled to a refund of personal property taxes
11	paid by the taxpayer under the original personal property tax
12	return;
13	the taxpayer is not entitled to interest on the refund.
14	(e) If a taxpayer files an amended personal property tax return for
15	a year before July 16 of that year, the taxpayer shall pay taxes payable
16	in the immediately succeeding year based on the assessed value
17	reported on the amended return.
18	(f) If a taxpayer files an amended personal property tax return for a
19	year after July 15 of that year, the taxpayer shall pay taxes payable in
20	the immediately succeeding year based on the assessed value reported
21	on the taxpayer's original personal property tax return. A taxpayer that
22	paid taxes under this subsection is entitled to a credit in the amount of
23	taxes paid by the taxpayer on the remainder of:
24	(1) the assessed value reported on the taxpayer's original personal
25	property tax return; minus
26	(2) the finally determined assessed value that results from the
27	filing of the taxpayer's amended personal property tax return.
28	Except as provided in subsection (k), the county auditor shall apply the
29	credit against the taxpayer's property taxes on personal property
30	payable in the year that immediately succeeds the year in which the
31	taxes were paid.
32	(g) If the amount of the credit to which the taxpayer is entitled under
33	subsection (f) exceeds the amount of the taxpayer's property taxes on
34	personal property payable in the year that immediately succeeds the
35	year in which the taxes were paid, the county auditor shall apply the
36	amount of the excess credit against the taxpayer's property taxes on
37	personal property in the next succeeding year.
38	(h) Not later than December 31 of the year in which a credit is
39	applied under subsection (g), the county auditor shall refund to the
40	taxpayer the amount of any excess credit that remains after application

(i) The taxpayer is not required to file an application for:



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of the credit under subsection (g).

(1)
(1) a credit under subsection (f) or (g); or
<ul><li>(2) a refund under subsection (h).</li><li>(j) Before August 1 of each year, the county auditor shall provide to</li></ul>
ch taxing unit in the county an estimate of the total amount of the
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edits under subsection (f) or (g) that will be applied against taxes
aposed by the taxing unit that are payable in the immediately
cceeding year.
(k) A county auditor may refund a credit amount to a taxpayer
fore the time the credit would otherwise be applied against property apayments under this section.
SECTION 2. [EFFECTIVE UPON PASSAGE] <b>IC 6-1.1-3-7.5, as</b>
nended by this act, applies to personal property tax returns first
ne after April 30, 2009, for assessment dates occurring after
ebruary 28, 2009.
SECTION 3. An emergency is declared for this act.
She from 3. All emergency is declared for this act.

